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## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

**[Docket No. OSHA-2010-0009]**

#### **Presence Sensing Device Initiation (PSDI) Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Presence Sensing Device Initiation (PSDI) Standard (29 CFR 1910.217(h)).

**DATES:** Comments must be submitted (postmarked, sent, or received) by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

#### **ADDRESSES:**

Electronically: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0009, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA-2010-0009) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled "SUPPLEMENTARY INFORMATION."

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this Federal Register notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at

the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney or Todd Owen,  
Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room  
N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-  
2222.

## **SUPPLEMENTARY INFORMATION:**

### **I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum

extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Description of the requirements. A number of paragraphs in the Standard contain paperwork requirements. These requirements include: Certifying brake-monitor adjustments, alternatives to photoelectric presence sensing devices (PSDs), safety system design and installation, and worker training; annual recertification of safety systems; establishing and maintaining the original certification and validation records as well as the most recent recertification and revalidation records; affixing labels to test rods and to certified and recertified presses; and notifying an OSHA-recognized third-party validation organization when a safety system component fails, the employer modifies the safety system, or a point-of-operation injury occurs.

Use and purpose of the requirements. Requiring employers to certify brake-monitor adjustments, alternatives to photoelectric PSDs, and safety system design and installation, and to recertify safety systems annually, provides the employer, systems engineers, maintenance personnel, and other workers with reliable information regarding the status and operating characteristics of the presses, which they can use to determine that the systems are operating according to the requirements of the Standard. The training certification requirement assures employers that workers receive the training specified by the Standard at the required frequencies and, therefore, can safely operate a PSDI-equipped mechanical power press. Specifying that employers establish and maintain for each press the original certification and validation records, as well as the most recent recertification and revalidation records, allows employers, engineers, maintenance personnel, and other workers to determine if the presses are operating

within required specifications, thereby ensuring that the presses remain in safe operating condition.

Having employers affix labels to test rods provides information to workers about the minimum object sensitivity of the sensing field, thereby allowing them to use the test rods in determining that a field is operating correctly. The provision specifying that employers affix labels to certified and recertified presses gives assurance to employers and workers that the presses meet the requirements of the Standard and, therefore, that workers can operate them safely.

Requiring employers to notify an OSHA-recognized third-party validation organization when a safety system component fails, or a point-of-operation injury occurs, permits these organizations to identify and correct design problems in the safety systems. Having employers inform these organizations of modifications made to safety systems allows the organizations to review the modifications and determine if the presses will continue to operate safely.

By complying with these paperwork requirements, employers ensure that PSDI-equipped mechanical power presses are in safe working order, thereby preventing severe injury and death to press operators and other workers who work near this equipment. In addition, these records provide the most efficient means for an OSHA compliance officer to determine that an employer performed the requirements and that the equipment is safe.

## **II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

## **III. Proposed Actions**

To date, OSHA has not recognized a third-party organization to validate employer and manufacturer certifications that their PSDI equipment and practices meet the requirements of the Standard. Therefore, the Agency cannot attribute burden hours and cost to the paperwork requirements of the Standard.

OSHA is proposing that OMB approve the information collection requirements specified by the Standard so that it can enforce these requirements if employers obtain third-party certification/validation; thus, the Agency reports no program changes or

adjustments and requests that it be allowed to retain its previous estimate of one burden hour should the requirements of the standard be implemented.

The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the Standard.

<u>Type of Review:</u>	Extension of a currently approved collection.
<u>Title:</u>	Presence Sensing Device Initiation (PSDI) (29 CFR 1910.217(h)).
<u>OMB Control Number:</u>	1218-0143.
<u>Affected Public:</u>	Business or other for-profits; Not-for-profit organizations; Federal Government; State, Local, or Tribal Government.
<u>Number of Respondents:</u>	0.
<u>Total Responses:</u>	0.
<u>Frequency:</u>	Initially; Annually; On occasion.
<u>Average Time Per Response:</u>	0.
<u>Estimated Total Burden Hours:</u>	1.
<u>Estimated Cost (Operation and Maintenance):</u>	\$0.





#### **IV. Public Participation — Submission of Comments on this Notice and Internet Access to Comments and Submissions**

You may submit comments in response to this document as follows: (1) electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2010-0009). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled “ADDRESSES”). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, (TTY (877) 889-5627). Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the

<http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

## **V. Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on April 3, 2013.

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**David Michaels,**  
Assistant Secretary of Labor for Occupational Safety and Health.

**BILLING CODE 4510-26-P**

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